

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF PUERTO RICO

UNITED STATES OF AMERICA, acting
through the United States
Department of Agriculture

Plaintiff

v.

EDUVINO BATISTA CARABALLO,
SONIA HAYDEE RAMOS GARCÍA a/k/a
SONIA H. RAMOS a/k/a SONIA H.
RAMOS GARCÍA, and their
Conjugal Partnership

Defendants

CIVIL NO.

Foreclosure of Mortgage

COMPLAINT

TO THE HONORABLE COURT:

COMES NOW the United States of America -acting as the United States Department of Agriculture- through the undersigned attorney, who respectfully alleges and prays as follows:

1. Jurisdiction of this action is conferred on this Court by 28 U.S.C. Section 1345.
2. Plaintiff, United States of America, is acting through the United States Department of Agriculture, which is organized and existing under the provisions of the Consolidated Farm and Farm Service Agency Act, 7 U.S.C. §1921 et seq. Plaintiff is the owner and holder of a promissory note that affects the properties described further below.

3. The promissory note is for the amount of **\$17,000.00**, with 10.750% annual interest, subscribed on October 20, 1983 by defendants EDUVINO BATISTA CARABALLO, SONIA HAYDEE RAMOS GARCÍA a/k/a SONIA H. RAMOS a/k/a SONIA H. RAMOS GARCÍA. See *Exhibit 1 and Exhibit 1-A*.
4. For the purpose of securing the payment of said promissory note, defendants EDUVINO BATISTA CARABALLO, SONIA HAYDEE RAMOS GARCÍA a/k/a SONIA H. RAMOS a/k/a SONIA H. RAMOS GARCÍA executed a voluntary mortgage on the same date, in favor of the plaintiff, under the terms and conditions stipulated and agreed therein, through Deed No. 194 before Notary Public Serafín Rosado Santiago. This mortgage is duly recorded at the Property Registry of Utuado at page 134 of volume 210 of Adjuntas, Puerto Rico, property number 7,855, 3rd inscription and at overleaf of page 204 of volume 238 of Adjuntas, property number 10,004, 2nd inscription. See *Exhibits 2, 3 and 4*.
5. On June 18, 1989, the promissory note in the amount of \$17,000.00 was modified, under the terms and conditions stipulated and agreed therein, through Deed No. 103 subscribed before Notary Public Serafín Rosado Santiago. See *Exhibit 5 and 5-A*.
6. According to the Property Registry, defendants EDUVINO BATISTA CARABALLO, SONIA HAYDEE RAMOS GARCÍA a/k/a SONIA H. RAMOS a/k/a SONIA H. RAMOS GARCÍA appear as owners of record of the real estate properties subject of this case. Said properties

are described -as they were recorded in Spanish- as follows:

RÚSTICA: Predio de terreno radicado en el Barrio Garzas de Adjuntas, Puerto Rico, compuesto de ocho cuerdas, equivalentes a tres hectáreas y doce miliáreas. Colindando por el SALIENTE, Manuel Caraballo; OESTE, con Luis Caraballo; NORTE, con Alberto Rullán y SUR, con Luis Caraballo.

PROPERTY NUMBER: 7,855, recorded at page 133 of volume 210 of Adjuntas, Registry of the Property of Puerto Rico, section of Utuado.

RÚSTICA: Parcela marcada con el número treinta y nueve en el plano de parcelación de la comunidad rural Yahueca, del término municipal de Adjuntas, con una cabida superficial de cero cuerdas con mil treinta y tres diez milésimas de otra, equivalente a cuatrocientos seis punto cero metro cuadrados. En lindes por el NORTE, con la calle número cuatro de la comunidad; por el SUR, con la parcela veinte y dos de la comunidad; por el ESTE, con la parcela número treinta y ocho de la comunidad; por el OESTE, con la parcela número cuarenta de la comunidad.

PROPERTY NUMBER: 10,004, recorded at page 204 of volume 238 of Adjuntas, Registry of the Property of Puerto Rico, section of Utuado.

See Title Searches attached as Exhibits 3 and 4.

7. The title searches attached to this complaint confirm the registration of the mortgage liens that secure the loan obligation between the plaintiff and the defendants EDUVINO BATISTA CARABALLO, SONIA HAYDEE RAMOS GARCÍA a/k/a SONIA H. RAMOS a/k/a SONIA H. RAMOS GARCÍA. *See Exhibits 3 and 4.*
8. Codefendants EDUVINO BATISTA CARABALLO, SONIA HAYDEE RAMOS GARCÍA a/k/a SONIA H. RAMOS a/k/a SONIA H. RAMOS GARCÍA are

jointly and severally responsible for all amounts owed to plaintiff, arising from the subscribed loan obligations.

9. It was expressly stipulated in the notes evidencing the indebtedness that default in the payment of any part of the covenant or agreement therein contained will authorize the plaintiff, as payee of said notes, to declare due and payable the total amount of the indebtedness evidenced by said notes and proceed with the execution and/or foreclosure of the mortgages.

10. The defendants herein, jointly and severally, have failed to comply with terms of the mortgage contracts by failing to pay the installments due on all notes until the present day, and that after declaring all the indebtedness due and payable, defendants owe to the plaintiff, according to the Certification of Indebtedness included herein as *Exhibit 6*, the following amounts:

a) On the \$17,000.00 Note:

1) The sum of \$22,825.44, of principal.

2) The sum of \$29,121.00, of interest accrued as of October 1, 2020, and thereafter until its full and total payment, which interest amount increases at the daily rate of \$3.1268;

3) Plus, insurance premium, taxes, advances, late charges, costs, court costs expenses,

disbursements and attorney's fees guaranteed under the mortgage obligation.

c) The indebtedness evidenced by the aforementioned notes is secured by the mortgages over the properties described in this complaint.

11. Defendants EDUVINO BATISTA CARABALLO, SONIA HAYDEE RAMOS GARCÍA a/k/a SONIA H. RAMOS a/k/a SONIA H. RAMOS GARCÍA are not presently active in the military service for the United States. See *Exhibits 7-8*.

VERIFICATION

I, JACQUELINE LAZÚ LABOY, of legal age, married, executive and resident of Humacao, Puerto Rico, in my capacity as Director of the Loan Resolution Task Force of the United States Department of Agriculture, San Juan, Puerto Rico, under the penalty of perjury, as permitted by Section 1746 of Title 28, United States Code, declare and certify:

1) My name and personal circumstances are stated above.

2) I subscribe this complaint as the legal and authorized representative of the plaintiff.

3) Plaintiff has a legitimate cause of action against the defendants above named which warrants the granting of relief requested in said complaint.

4) Defendants are a necessary and legitimate party to this action in view of the fact that they originated or assumed the

mortgage obligations subject of this foreclosure or bought the property subject to said mortgages.


5) From the information available to me and based upon the documents in the Farm Service Agency, it appears that defendants have not been declared incompetent by a court of justice with authority to make such a declaration.

6) I have carefully read the allegations contained in this complaint and they are true and correct to the best of my knowledge and to the documents contained in the files of the Farm Service Agency.

7) I have carefully examined the Exhibits included to this complaint which are true and correct copies of the originals. The mortgage deeds have been duly recorded in the Property Registry.

I make the foregoing declaration under penalty of perjury, as permitted under Section 1746 of Title 28, United States Code.

In San Juan, Puerto Rico, this 9 day of November, 2020.


JACQUELINE LAZÚ LABOY

PRAYER

WHEREFORE, the plaintiff demands judgment as follows:

a) That defendant's party pays unto the United States the amounts claimed on this complaint.

b) Or in default thereof that all legal right, title and interest which the defendants may have in the property described in

this complaint and any building or improvement thereon be sold at public auction and that the monies due to the United States as alleged in the preceding paragraphs be paid out of the proceeds of said sale;

c) That the defendants and all persons claiming or who may claim by, from or under them be absolutely barred and foreclosed from all rights and equity of redemption in and to said property.

d) That if the proceeds of such sale be insufficient to cover the amounts specified under paragraph 13 of this prayer, said defendant be adjudged to pay to the United States the total amount of money remaining unsatisfied to said paragraph (a) of this prayer, and execution be issued forthwith against said defendants for the payment of said deficiencies against any of the properties of said defendants;

e) That if the proceeds of said sale exceed the sum of money to be paid to the United States as aforesaid, any such excess be deposited with the Clerk of this Court subject to further orders from the Court.

f) That once the property is auctioned and sold, the Clerk of this Court issue a writ addressed to the Registry of the Property ordering the cancellation of the foreclosed mortgage and of any other junior liens recorded therein.

g) For such further relief as in accordance with law and equity may be proper.

In Guaynabo, Puerto Rico, this _____ day of _____ 2020.

/s/ Juan Carlos Fortuño Fas
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